

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,308	11/13/2001	Scott D. Leapman	P1748US00	3163

7590

06/28/2004

GATEWAY, INC.

Attention: Kenneth J. Cool

610 Gateway Drive, MD Y-04

N. Sioux City, SD 57049

EXAMINER

BONSHOCK, DENNIS G

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,308

Applicant(s)

LEAPMAN, SCOTT D.

Examiner

Dennis G. Bonshock

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 20-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-19, are drawn to a determining of a fault condition and providing a graphical depiction which illustrates, classified in class 714, subclass 25.
 - II. Claim 20-27, is drawn to a detecting of the lack of a connection and depicting the lack of connection, classified in class 714, subclass 43.
2. Inventions of group I and group II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because not all fault conditions are lack of connection fault conditions. The subcombination has separate utility such as looking for the lack of a connection only.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Art Unit: 2173

5. During a telephone conversation with Jeff Proehl, an agent who is covering the cases for Kenneth J. Cool, on June, 9 2004 a provisional election was made with traverse to prosecute the invention of Scott Leapman, claims 1-19. Affirmation of this election must be made by applicant in replying to this Office action. Claims 20-27 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 5, 8-15, and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Gettemy et al., Patent #6,603,469, hereinafter Gettemy.

8. With regard to claim 1, which teaches a method, comprising: detecting a fault condition, Gettemy teaches, in column 2, lines 15-20, detecting when the battery falls below a certain predefined threshold. With regard to claim 1, further teaching determining a solution for correcting the fault condition, Gettemy teaches, in column 2, lines 15-25, providing a message that allows the user to change the display to prolong battery life. With regard to claim 1, further teaching providing a graphical depiction, which illustrates the solution to the fault condition, wherein the graphical depiction is

displayed on a display device, Gettemy teaches, in column 2, lines 15-25, providing a message, on the display screen, that allows the user to change the display to prolong battery life.

9. With regard to claim 2, which teaches the fault condition being one of lack of connectivity, lack of alternating current electrical source, and low battery power, Gettemy teaches, in column 2, lines 15-20, detecting when the battery falls below a certain predefined threshold.

10. With regard to claims 5, 10, and 17, which teach the graphical depiction being one of static depiction and a animated depiction, Gettemy teaches, in column 2, lines 15-25 and in figure 10, providing a message, on the display screen, in the form of a static message.

11. With regard to claim 8, which teaches a method comprising: providing a help routine including a list of functions an apparatus is capable of performing, Gettemy teaches, in column 2, lines 15-25, providing a message, on the display screen, that allows the user to change the display to prolong battery life. With regard to claim 8, further teaching receiving a selection of a particular function, Gettemy teaches, in column 2, lines 15-20, column 9, lines 5-17, and in figures 9 and 10, the receipt of a user selection of a command to leave in color or to change to mono. With regard to claim 8, further teaching displaying a graphical depiction of at least one step for activating the particular function on a display device of the apparatus, Gettemy teaches, in column 2, lines 15-20, column 9, lines 5-17, and in figures 9 and 10, the receipt of a

user selection, through a graphical depiction of options, of command to leave in color or to change to mono, this function is then carried out.

12. With regard to claim 9, which teaches providing a display suitable for a user to perform a first step in activating the particular function, Gettemy teaches, in column 2, lines 15-20, column 9, lines 5-17, and in figures 9 and 10, the user providing a selection through a graphical depiction of options.

13. With regard to claims 11 and 18, which teach the graphical depiction being in color, Gettemy teaches, in column 2, lines 15-20, the use of a color display.

14. With regard to claims 12 and 19, which teaches the apparatus being at least one of a cellular telephone, a personal digital assistant, a monitor, television, a remote control, a computer, a CD player, a DVD player, a digital storage medium player and a network device, Gettemy teaches, in column 1, line 66 through column 2, line 4, the system being implemented in a cell phone, PDA, etc.

15. With regard to claim 13, which teaches an apparatus, comprising: means for determining if an instruction is necessary, Gettemy teaches, in column 2, lines 15-20, determining if the battery falls below a certain predefined threshold before displaying the options screen. With regard to claim 13, further teaching a controller coupled to the determining means, a memory coupled to the controller, and a display device coupled to the controller, Gettemy teaches, in column 6, lines 25-63, and in figure 5, the circuitry of the computer system comprising a processor, a controller, a memory unit, a display device, etc. all connected together. With regard to claim 13, further teaching displaying to the user an appropriate depiction of a necessary instruction, Gettemy teaches, in

column 2, lines 15-25, providing a message, on the display screen, that allows the user to change the display to prolong battery life, upon determination that the message is necessary.

16. With regard to claim 14, which teaches the determining means being capable of detecting a fault condition, Gettemy teaches, in column 2, lines 15-20, means for detecting when the battery falls below a certain predefined threshold.

17. With regard to claim 15, which teaches the determining means including an interface capable of receiving an input from a user that instruction in necessary regarding activating a function of the apparatus, Gettemy teaches, in column 2, lines 15-20, column 9, lines 5-17, and in figures 9 and 10, the receipt of a user selection, through a graphical depiction of options, of command to leave in color or to change to mono, this function is then carried out.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 3, 6, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gettemy and Kim, Patent #5,670,972.

20. With regard to claims 3 and 16, Gettemy teaches a system for detecting faults and providing graphical displays, which illustrate a solution (see column 2, lines 15-25). Gettemy, however, doesn't specifically disclose the use of this type of trouble-shooting

used for detecting an absence of a signal. Kim, teaches, a system that provides the user with a graphical depiction of help information, but further teaches the system detecting the absence of a signal (see column 1, lines 20-30 and lines 50-63). It would have been obvious to one of ordinary skill in the art, having the teachings of Gettemy and Kim before him at the time the invention was made to modify the trouble-shooting system of Gettemy to include the detection of missing signals as did Kim. One would have been motivated to make such a combination because the detection and notification system of Gettemy could lack an input from a PC, to the PDA which is gaining information through the cradle, as shown in column 6, lines 16-24.

21. With regard to claim 6, Gettemy teaches a system for detecting faults and providing graphical displays, which illustrate a solution (see column 2, lines 15-25). Gettemy, however, doesn't specifically disclose the use of his type of trouble shooting used for detecting an absence of a video signal. Kim, teaches, a system that provides the user with a graphical depiction of help information, but further teaches the system detecting the absence of a video signal (see column 1, lines 20-30 and lines 50-63). It would have been obvious to one of ordinary skill in the art, having the teachings of Gettemy and Kim before him at the time the invention was made to modify the trouble-shooting system of Gettemy to include the detection of missing video signals as did Kim. One would have been motivated to make such a combination because the detection and notification system of Gettemy could lack an input from a PC, to the PDA which is gaining information through the cradle, as shown in column 6, lines 16-24.

22. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gettemy and Petty et al., Patent #6,546,263, hereinafter Petty.

23. With regard to claim 4, Gettemy teaches a system for detecting faults and providing graphical displays, which illustrate a solution (see column 2, lines 15-25). Gettemy, however, doesn't specifically disclose the removing of the graphical depiction from the display device when the fault condition has been corrected. Petty teaches a system for providing a visual representation of a plurality of faults/conditions that can be present on a system, similar to that of Gettemy, however, Petty further teaches removing the graphical depiction from the display when it is no longer in fault (see column 3, line 54 through column 4, line 7). It would have been obvious to one of ordinary skill in the art, having the teachings of Gettemy and Petty before him at the time the invention was made to modify trouble-shooting system of Gettemy to include the removal of the graphical depiction of the fault upon correction. One would have been motivated to make such a combination because there would be no purpose to display the fault correction screen if the fault no longer exists.

24. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gettemy, Kim, and Friesen, Patent #6,496,884.

25. With regard to claim 7, Gettemy teaches a system for detecting faults and providing graphical displays, which illustrate a solution (see column 2, lines 15-25). Gettemy, however, doesn't specifically disclose the graphical depiction including a color-coded monitor cable being plugged into a color coded connector. Kim, teaches, a system that provides the user with a graphical depiction of help information, but further

teaches the system detecting the absence of a video signal (see column 1, lines 20-30 and lines 50-63). It would have been obvious to one of ordinary skill in the art, having the teachings of Gettemy and Kim before him at the time the invention was made to modify the trouble-shooting system of Gettemy to include the detection of missing video signals as did Kim. One would have been motivated to make such a combination because the detection and notification system of Gettemy could lack an input from a PC, to the PDA which is gaining information through the cradle, as shown in column 6, lines 16-24. Gettemy and Kim, however, don't teach the user of color-coded monitor cables being plugged into a color-coded connector. Friesen teaches a system of connecting a system to a monitor as did Gettemy and Kim, but further teaches color-coded cables being plugged into color-coded ports (see column 2, lines 31-55). It would have been obvious to one of ordinary skill in the art, having the teachings of Gettemy, Kim, and Friesen before him at the time the invention was made to modify the trouble-shooting system of Gettemy and Kim to include the color-coded connection system of Friesen. One would have been motivated to make such a combination because this would help to further limit confusion of the user and minimize faults.

Conclusion


26. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach systems for providing graphical depictions of fault conditions.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (703) 305-4668. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dgb



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173